

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DARNELL EDDINS,

Petitioner,

Case Number: 06-CV-15595

v.

HON. DENISE PAGE HOOD

LINDA METRISH,

Respondent.

**ORDER DENYING PETITIONER'S
MOTION FOR RELIEF FROM JUDGMENT**

Michigan state prisoner Darnell Eddins filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, challenging his imprisonment for a first-degree murder conviction. The Court summarily dismissed the petition with prejudice. *See* ECF No. 2. The Court denied Petitioner's motion for reconsideration. *See* ECF No. 4. Now before the Court is Petitioner's motion for relief from judgment.

Petitioner seeks relief from judgment pursuant to Fed. R. Civ. P. 60(b)(4). Rule 60(b)(4) motions must be brought "within a reasonable time." Fed. R. Civ. P. 60(c)(1). Determining whether a motion has been filed within a reasonable time "ordinarily depends on the facts of a given case including the length and

circumstances of the delay, the prejudice to the opposing party by reason of the delay, and the circumstances compelling equitable relief.” *Olle v. Henry & Wright, Corp.*, 910 F.2d 357, 365 (6th Cir. 1990). Petitioner’s motion was filed on April 27, 2015, eight years after the Court denied the petition. Petitioner provides no explanation for why he waited eight years to file his motion. He raises no arguments that would have been unavailable to him earlier. There are no circumstances compelling equitable relief in this case. Given these factors, the Court finds that Petitioner’s motion was not filed within a reasonable time. *Accord General Medicine, P.C. v. Horizon/CMS Health Care Corp.*, 475 F. App’x 65, 76 (6th Cir. 2012) (finding four-year delay unreasonable); *Blachy v. Butcher*, 129 F. App’x 173, 179 (6th Cir. 2005) (finding a three-year delay did not satisfy Rule 60(b)’s “reasonable time” limitation).

Petitioner’s Motion for Relief from Judgment (ECF No. 20) is DENIED.

SO ORDERED.

S/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: July 13, 2015

I hereby certify that a copy of the foregoing document was served upon counsel of record on July 13, 2015, by electronic and/or ordinary mail.

S/Julie Owens
Case Manager